

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BAHRI KAREEM KHOSHNAW,)	
)	
Plaintiff)	
)	NO. 3:08-0027
v.)	Judge Trauger/Brown
)	
UNITED STATES OF AMERICA,)	
)	
Defendant)	

TO: The Honorable Aleta A. Trauger

REPORT AND RECOMMENDATION

For the reasons stated below, the Magistrate Judge recommends that the Defendant's motion to dismiss the complaint as moot (Docket Entry 9) be granted.

I. Background

The Plaintiff filed his action to compel the Defendant to act on his request for naturalization. Accordingly, the Plaintiff had requested that the Court either naturalize him or remand the matter to the United States Custom Immigration Service (USCIS) with instructions to naturalize him within a specific and limited time frame. The Government, in their motion and memorandum (Docket Entries 9 and 10), contend that the Plaintiff's application for naturalization was approved on March 27, 2008, and that he was scheduled to take the oath of citizenship in Nashville, on April 25, 2008. They therefore contend that the case is moot and should be dismissed on those grounds.

II. Legal Discussion

The Magistrate Judge agrees with the Defendant's analysis of the matter. The Plaintiff was entitled to bring his complaint inasmuch as the USCIS had not acted within the time provided by law. However, it now appears that the relief the Plaintiff sought, that is the naturalization, has been granted and, accordingly, no case nor controversy remains before the Court. In the absence of an actual case or controversy, the matter should be dismissed. *Ailor v. City of Maynardville, Tennessee*, 368 F.3d, 587, 596 (6th Cir. 2004).

III. Recommendations

For the reasons stated above, the Magistrate Judge recommends that the motion to dismiss the complaint as moot be granted.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*,

474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*,
474 U.S. 1111 (1986).

ENTERED this 29th day of April, 2008.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge